

**Notice of Allowability**

Application No.

09/896,174

Examiner

Mark T. Henderson

Applicant(s)

DOWNES ET AL.

Art Unit

3722

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/6/05.
2. ☒ The allowed claim(s) is/are 1 and 3-8.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
- ☒ Examiner's Amendment/Comment
- ☐ Examiner's Statement of Reasons for Allowance
- ☐ Other \_\_\_\_\_

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Allan Kipnes on November 21, 2005.

The application has been amended as follows:

#### **CLAIMS:**

In Claim 1, line 3, please insert – wherein a single game is played with the first game area – after “play indicia”, please delete “for playing a single game”

In line 8, please delete “being” before “matched with an adjacent row”.

The following is an examiner's statement of reasons for allowance: No prior art of record discloses or fairly suggests a lottery ticket comprising a plurality of rows, wherein each row has a first end and containing a plurality of play indicia wherein a single game is played with the first game area in conjunction with an adjacent row of a second game area such that the number of games in the first game area is equal to the number of rows; a second game area having the same

number of rows as the first game area, wherein each one row of the second game area is matched with an adjacent row in the first game area to form a single game row for playing a single game and being adjacent the first end of the adjacent row of the first game area; a prize area comprising prize designations for at least one the rows of the first game area; a means for playing each of the single game rows of the first game area and second game area to see if a prize is won; and including all of the other limitations of the independent claim.

The Walker reference is the closest reference that reads on applicant's invention. However, Walker et al does not disclose a first game area on a first row of a plurality of rows, a second game area on a row on a second plurality of rows adjacent to the first game area, wherein a single game is played with the first game area in conjunction with an adjacent row of a second game area such that the number of games in the first game area is equal to the number of rows, and a prize area comprising prize designations for at least one the rows of the first and second game areas.

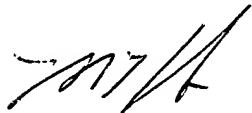
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Langan, Katz et al, Solano, Schaefer et al, Schaefer et al ('978), Guttin et al, and Langan ('470) discloses similar lottery tickets.

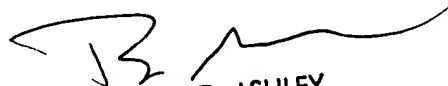
**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Henderson whose telephone number is (571) 272-4477, and informal fax number is (571) 273-4477. The examiner can be reached on Monday-Friday from 9:00AM to 3:45PM. If attempts to reach the examiner by telephone are unsuccessful, the Examiner Supervisor, Boyer Ashley, can be reached at (571) 272-4502. The formal fax number for TC 3700 is (571) 273-8300.



MTH

November 22, 2005

  
BOYER D. ASHLEY  
PRIMARY EXAMINER